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2004 SEP 13 PM 2: PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND INTERFERENCES

Application of : D. J. Baillargeon et al
Serial No. : 09/498,793
Filed : 4 February 2000
For : Formulated Lubricant Oils Containing High-Performance Base Oils
Derived From Highly Paraffinic Hydrocarbons
Group Art Unit: 1764
Examiner : E. M. McAvoy

REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 08 2004
TC 1700

Sir:

Applicants request that the examination of this application be continued in accordance with 37 CFR 1. 114(a) (1) considering the attached submission comprising a Statement in Support of Request for Continued Examination and a Declaration in Support of Request for Continued Examination.

Please charge the following fee to Deposit Account No. 05-1330

Continued Examination Fee, 37 CFR 1.17(e) \$770.00

Charge any additional fee or credit any overcharge to Deposit Account No. 05-1330.

A duplicate copy of this request is attached.

Respectfully submitted,

Malcolm D. Keen
Malcolm D. Keen
Attorney for Applicants
Registration No. 27,728
(703) 846-7795

Exxon Mobil Corporation
Law Department
3225 Gallows Road
Fairfax, VA 22037

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BOARD OF PATENT APPEALS
AND INTERFERENCES

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STATEMENT IN SUPPORT OF REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

1. Applicant has separately requested that the examination of this application be continued in accordance with 37 CFR 1.114(a) (1).
2. In the decision of the Board of Patent Appeals and Interferences (Paper No. 23), the Board concluded that the application was properly rejected on the record by the Examiner on the grounds that it was unpatentable under 35 USC 103 (a).
3. Applicant requests entry into the record of the attached declaration of Malcolm D. Keen, the undersigned attorney, showing that the invention of this application was notified to the Office of Legal Counsel (Intellectual Property Group) of Mobil Business Resources Corporation on a date when the invention, identified as "Formulated Lubricant Oils Containing High-Performance Base Oils Derived From Highly Paraffinic Hydrocarbons" and now claimed in the present application, was subject to obligations from each of the individual inventors to assign the invention to Mobil Research and Development Corporation (later, Mobil Technology Company) or its designee, Mobil Oil Corporation.
5. The Trewella patent was assigned to Mobil Oil Corporation, as shown by the face of the patent and confirmed by the attached declaration. Accordingly, Applicants submit that the subject matter of the Trewella patent and the claimed invention were, at the time the

present invention was made, subject to an obligation of assignment to the same person, that is, to Mobil Research and Development Corporation (later, Mobil Technology Company). The subject matter of the Trewella patent, which qualifies as prior art only under one or more of subsections (e), (f) or (g) of 35 USC 102, is therefore not effective to preclude patentability under 35 USC 103.

For the Applicants,



Malcolm D. Keen
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